IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.8498 OF 2004

Vasant Narsimha Shanbag, .. Petitioner

Vs

Sunil Prabhakar Narvekar & ors .. Respondents

Mr Prasad S.Dani, for the petitioner.

Mr P.R.Arjunwadkar, i/b Mr S.P.Narvekar, for the respondents

CORAM : D.B.BHOSALE,J.

DATE : 3rd November,2004

PC:

1. Heard the learned counsel for the parties.

2. By the impugned order, the trial Court has rejected the application filed by the petitioner under section 24 of the Civil Procedure Code, seeking transfer of Regular Civil Suit No.3 of 1996 pending before the learned Jt. Civil Judge, Jr. Dn. to the file of the learned Civil Judge, Senior Division, Ratnagiri before whom Spl. Civil Suit No 74 of 2002 filed by the plaintiff is pending. Regular Civil Suit No.3 of 1996 is filed for injunction simplicitor by the respondents while Spl. Civil Suit No.74 of 2002 is filed by the petitioner for damages. In so far as Regular Civil Suit No.3 of 1996

is concerned, in that suit evidence of the plaintiff is already recorded, while in the second suit even issues have not been framed so far. Keeping that in view and considering the reasons recorded by the learned Judge in the impugned order and other material placed before me, in my opinion, the trial Court has rightly rejected the application. I find no reason to interfere with the impugned order which, in my opinion, is just and proper. The writ petition, therefore, fails and is dismissed as such.

(D.B.BHOSALE, J.)